

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION
NO. 03-12563-DPW

NEXTEL COMMUNICATIONS,

Plaintiff,

v.

TOWN OF HANSON, ET AL.,

Defendants.

STATE DEFENDANT'S POST-ARGUMENT RESPONSE

The State Defendant submits this response to the Court's question at oral argument whether there were any procedures for enforcing an order or decision of the State Build Code Appeals Board or whether such an order could simply be ignored. There are enforcement procedures. The Commonwealth's authority to enforce the State Building Code and orders issued in furtherance thereof by civil and criminal actions is set forth in Mass. G.L. c. 22, § 4A (Powers of the Commissioner of Public Safety); c. 143, § 59 (same); and c. 143, § 94(a) (criminal penalties). See also Mass. Op. Atty. Gen. No. 34, Dec. 2, 1974, p. 78 (outlining authority of Commissioner of Public Safety in relation to local inspectors).

Respectfully submitted,

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/s/

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